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Attorneys for Plaintiff  
C.F.C., a minor, by and through  
Christine F., his parent and guardian

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

C.F.C., minor, by and through CHRISTINE  
F., his parent and guardian, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

POWER BALANCE LLC; a Delaware  
Limited Liability Company.

Defendants.

CASE NO. 3:11-CV-00487-EMC

Hon. Edward M. Chen

**REQUEST TO VACATE UPCOMING  
CASE MANAGEMENT CONFERENCE IN  
LIGHT OF ONGOING AUTOMATIC  
STAY UNDER 11 U.S.C. SECTION 362**

**Complaint filed: February 1, 2011  
Trial Date: None Set**

1 Plaintiff C.F.C., minor, by and through Christine F., his parent and guardian (“Plaintiff”)  
2 requests as follows:

3 WHEREAS, on November 18, 2011, Defendant Power Balance, LLC filed a voluntary  
4 Chapter 11 petition for relief in the United States Bankruptcy Court for the Central District of  
5 California.

6 WHEREAS, on November 22, 2011, Power Balance filed a Notice of Pending Chapter  
7 11 Bankruptcy and Notice of Automatic Stay in this court (Dkt. No. 29).

8 WHEREAS, the Chapter 11 bankruptcy is currently proceeding as Case No. 8:11-25982  
9 and pending before the Honorable Theodore Albert, United States Bankruptcy Judge (the  
10 “Bankruptcy Action”).

11 WHEREAS, pursuant to Section 362(a) of the Bankruptcy Code, there is currently an  
12 ongoing automatic stay over the instant action.

13 WHEREAS Dorsey & Whitney, LLP (counsel for the former Defendant Power Balance,  
14 LLC) is not counsel to the Debtor and therefore cannot currently appear in this action on the  
15 Debtor’s behalf. In addition, Dorsey & Whitney, LLP does not have authority to take any  
16 position with respect to the Debtor and therefore cannot stipulate to Plaintiff’s instant request.

17 WHEREAS Plaintiff is informed by Garrick Hollander of the law firm Winthrop  
18 Couchot, counsel for Power Balance as Debtor in the Bankruptcy Action, that: (1) Power  
19 Balance is currently preparing the Debtor’s Disclosure Statement; (2) a hearing regarding the  
20 Disclosure Statement is set for March 2013; and (3) a hearing regarding confirmation of the  
21 Debtor’s Chapter 11 Plan of Reorganization is expected to take place in May or June 2013.

22 WHEREAS, the parties will provide this Court with an additional update on any changes  
23 to the status of the Bankruptcy Action if and when they occur.

24 WHEREAS, on June 20, 2012, the Court previously granted Plaintiff’s stipulated request  
25 to vacate the prior Case Management Conference due to the ongoing automatic stay.

26 Accordingly, in light of the ongoing automatic stay under Bankruptcy Code § 362(a),  
27 Plaintiff requests that this Court vacate the upcoming Case Management Conference currently  
28

1 scheduled for Thursday, February 14, 2013, and reset it to a date after June 2013, which is the  
2 expected date for the hearing regarding Power Balance's Chapter 11 Plan of Reorganization.

3  
4 Dated: February 5, 2013

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5  
6 /s/ Mark Todzo

7 Mark Todzo  
8 Attorneys for Plaintiff

9  
10 **PURSUANT TO THE REQUEST, IT IS SO ORDERED.** The CMC is reset to 6/27/13  
11 at 9:00 a.m. A joint CMC  
12 Statement shall be filed by  
13 6/20/13.

14 Dated: February <sup>5</sup>\_\_\_\_\_, 2013

